IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

First Appeal No. 24 of 1992

Shakuntala Ramesh Shinde ..Appellant

vs.

Ramesh Budhaji Shinde ..Respondent

Shri H.N.Ajmani for appellant (absent).
Shri S.S.Swadi i/b Shri S.G.Deshmukh for respondent.

CORAM: S.B.MHASE J.
25th August,2006

P.C.

1. Learned Counsel for the appellant Shri Ajmani is absent. Appellant is also absent. Learned Counsel Shri Swadi holding for Shri S.G.Deshmukh is present.

2. This appeal is directed against the judgment and order passed by Vth Additional District Judge, Pune on 29th June, 1991 in Misc.Application No.100 of 1988. By the said judgment and order Misc.Applciation No.100 was dismissed.

3. Misc.Application No.100 of 1988 was filed by the appellant Shakuntala as against the respondent husband under sec.10 of the Guardians and Wards Act, 1890 for declaration that the appellant is the guardian of Master Sandeep alias Mayur and for

custody of the said child from the respondent/husband. Admittedly Master Sandeep alias Mayur was borne out of the wedlock of the appellant with respondent on 29th August, 1983. Therefore, the age of Master Sandeep alias Mayur as of today is 23 years 1 month and 26 days. That means the minor has attained the majority long back. Even if this Court considers the age of attaining majority as 21 years that too has been attained by the said Master Sandeep. Thus, during the pendency and consequently on the date when this Court hears the matter Master Sandeep is not minor of whom custody can be claimed by either of the parties by invoking the provisions of Guardian and Wards Act. Therefore, the matter has become infructuous as of today. The First Appeal is, therefore, dismissed as infructuous.

(S.B.MHASE J.)